REMARKS

Amendments to the claims

The language of claims 1 and 8 has been clarified. The language of claims 1 and 8 is supported by the specification, in particular figures 3 and 5 and the corresponding portions of the specification. Claims 5, 10 and 13 have been canceled without prejudice. New claims 14, 15 and 16 have been added. The language of new method claim 14 is supported by the specification, in particular figures 3 and 5 and the corresponding portion of the specification. The language of new device claims 15 and 16 correspond to the language of method claims 1, 8 and 14. No new matter has been added.

Rejections under 35 U.S.C §112

Claims 1, 8 and 13 stand rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

In claim 1, the language of *"transmitting a message request to the message broker encoded using an Internet protocol to receive device information received by the message broker"* has been clarified as per the request of the Examiner, and now recites *"transmitting a message request to the message broker encoded using an Internet protocol <u>and identifying a second channel</u> to receive device information received by the message broker, and <u>receiving a response from the message broker comprising one of a time-out and a message comprising return device information</u>"*.

In claim 8, the language of *"transmitting a message request to a message broker encoded using an Internet protocol to receive a device instruction received by the message broker, receiving a device instruction encoded using an Internet protocol in response to said request"* has been clarified as per the request of the Examiner, and now recites *"transmitting a message request to the message broker encoded using an Internet protocol <u>and identifying a second channel</u> to receive device information received by the message broker, and <u>receiving a response from the message broker comprising one of a time-out and a message comprising return device information</u>"*.

Claim 13 has been canceled without prejudice.

Rejection under 35 U.S.C §102

Claims 1-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,088,796 to Cianfrocca. The Applicants respectfully disagree.

Rejection of claim 1

Cianfrocca discloses (column 1, lines 9-10) "*a middleware control system and server control system*", and teaches using such a system to provide secure access to a database, but does not teach a method for controlling a device, i.e. a distinct functional element such as a printer. In particular, the Applicants submit that Cianfrocca does not disclose or suggest "*a method of operating a first client system to control a device provided on a second client system via the Internet*" as recited in claim 1.

Further, Cianfrocca discloses (column 5, lines 14-45) a process wherein, "*the contents of the HTML query string are "pushed" in real time to the User Agent module of the messenger system enabled application*" and wherein "*the messenger system automatically returns the HTML string to the web browser with the messenger system enabled application knowing nothing about the web browser*", wherein a return HTML string, or return information, is automatically returned in response to one HTML query message. The Applicants submit that such a process involving an automatic response to a message, cannot be deemed to disclose or suggest a process wherein information is only returned in response to an encoded message after a message request is sent, and in particular a process comprising:

"*transmitting the encoded message to a message broker ... and;*

retrieving returned device information from the second client system by: transmitting a message request to the message broker..., and receiving a response from the message broker comprising one of a time-out and a message comprising return device information", as recited in amended claim 1.

Further, Cianfrocca discloses (column 21, lines 12-21) a method comprising "*receiving queries from the communication server, transmitting the query across the network firewall along a secure pathway established by the application server between the messenger*

system means and the application server, receiving replies to queries from the application server along the secure pathway and transmitting the replies to the communication server". The Applicants submit that Cianfrocca teaches using a single secure pathway to transmit information, and can therefore not be deemed to disclose or suggest providing two channels in a message broker, and in particular *"transmitting the encoded message to a message broker such that the message is placed in a first channel identified by the destination information, and ...transmitting a message request to the message broker encoded using an Internet protocol and identifying a second channel"* as recited in amended claim 1.

The Applicants submit that claim 1 is patentable over Cianfrocca at least in view of the above. Should the Examiner disagree, Applicants respectfully request him to clearly and specifically point out where Cianfrocca discloses the above-recited features in accordance with 37 C.F.R. 1.104(c)(2).

Rejection of claim 8

The above arguments pertaining to claim 1 can also be used to show that Cianfrocca, which only discloses sending query through one secure pathway and returning automatically the response to the query through the same pathway, fails to disclose or suggest a method for communicating to a device instructions received via the Internet, said method involving a message broker that receives instructions from a first server and sends said instructions in reply to a message request from a second server having the device, and in particular comprising *"transmitting a message request to a message broker..., receiving a response from the message broker comprising one of a time-out and a message... comprising a device instruction, and where the response comprises a message comprising a device instruction, transmitting the device instruction to the device"* as recited in claim 8. The Applicants therefore submit that amended claim 8 is patentable over Cianfrocca.

Rejection of claims 2-7 and 9-12

Claims 2-4 and 6-7 depend on claim 1 and claims 9 and 11-12 depend on claim 8. The Applicants submit that claims 2-4, 6-7, 9 and 11-12 are patentable over Cianfrocca at least in view of their dependency.

Claims 5 and 10 have been canceled without prejudice.

Newly added claim 15

The Applicants submit that the above arguments pertaining to claim 8 can also be used to show that Cianfrocca fails to disclose or suggest a system for controlling a device over the Internet, the system comprising a first client system, a second client system having a device, and a message broker, and in particular a message broker *"operable to place the message in a first channel identified by the destination information"* and *"operable to generate a response comprising one of a time-out if no message is present in the first channel and the message comprising a device instruction if the message is present in the first channel and send the response to the second client system"*, as recited in claim 15. The Applicants therefore submit that claim 15 is patentable over Cianfrocca.

Newly added claims 14 and 16

Claim 14 depends on claim 8 and claim 16 depends on claim 15. The Applicants submit that claims 14 and 16 are patentable over Cianfrocca at least in view of their dependency.
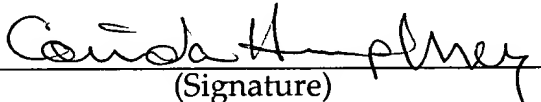
* * *

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

January 31, 2005
(Date of Transmission)

Corinda Humphrey
(Name of Person Transmitting)

(Signature)

January 31, 2005
(Date)

Respectfully submitted,

Robert Popa
Attorney for Applicants
Reg. No. 43,010
LADAS & PARRY
5670 Wilshire Boulevard, Suite 2100
Los Angeles, California 90036
(323) 934-2300 voice
(323) 934-0202 facsimile
rpopa@ladasparry.co